

CONSERVATION COMMISSION  
REGULAR MEETING JUNE 19, 2012  
CONFERENCE ROOM L 101

These minutes are not verbatim, but represent a summary of major statements and comments. For minutes verbatim, refer to audiotapes on file in the Office of the Town Clerk. Audiotapes are retained for the minimum period required under the retention schedule as provided under Connecticut Law.

Chairman Block called the roll call at 7:03 p.m. and noted Commissioners Andreas, Clark and Shapiro were present. Also present were Alternate Paskewich and Town Engineer Chris Greenlaw.

NOTE: Chairman Block designated that Alternate Paskewich would vote for Commissioner Zelek.

ITEM III  
ACCEPTANCE OF MINUTES

Regular Meeting of May 15, 2012

Commissioner Andreas noted the following corrections:

- A. Bottom of Page 2---Remark by Chairman Block should read "Chairman Block (block) noted that most people.....the entrance area to the pool."
- B. Middle of Page 5---Remark by Chairman Block should read "Chairman Block asked if all of the trees.....that needed to be cut down (done)."

Motion made by Commissioner Clark to accept the minutes as amended and was seconded by Commissioner Shapiro. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

ITEM IV  
PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VA  
Application 2012-11, 181 Robbins Avenue

Mr. Alan Bongiovanni, President of BGI and representing the applicant (Norman Rainville), entered the following remarks into the record:

- A. The application represents a simple re-subdivision of land.

- B. The Town Map shows a watercourse running along Willard Avenue with a minor infringement onto the subject parcel of land and is regulated by the Town.
- C. He noted that the proposal is to create a 12,000 square foot lot at the southeast corner of the property.
- D. The application is in conformance with current regulations.
- E. The property would be reflagged if requested. Chairman Block requested that it be done.

Chairman Block noted that there was some public comment when a previous application was submitted for the site.

Chairman Block asked if the applicant wanted to schedule a public hearing? Mr. Bongiovanni responded no. He does not see the need per field conditions.

Mr. Chris Greenlaw, Town Engineer noted that the previous application included a request for a map amendment.

Mr. Bongiovanni said that it is not his intention to make such a request at this time.

Commissioner Andreas asked what is the red line shown on the plan? Mr. Bongiovanni responded the 100 foot upland review area.

Commissioner Andreas noted that the line on Page 2 appears to be different.

Mr. Bongiovanni said the lines should be the same (listen to audio tape for his explanation).

Motion made by Commissioner Clark to table the item over to the July meeting and was seconded by Commissioner Andreas. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

#### ITEM VB

Application 2012-12A, 2909 Berlin Turnpike, Map Amendment

Mr. Nate Kirschner, Project Engineer, Langan Engineering & Environmental Services and representing the applicant noted the presence of Mr. Dean L. Gustafson, Professional Soil Scientist, All-Points Technology Corporation, PC.

Mr. Kirschner entered the following remarks into the record:

- A. The property under discussion is the former vacant Krispy Kreme site located at the intersection of the Berlin Turnpike and Main Street.

- B. When a due diligence drainage analysis was being done for the proposed development, a question arose in the field as to the existence of a wetland within an area of depression located at the out let pipe from the under ground storm water detention system.
- C. A soil scientist was brought into review the area. It was determined that the area in question was a wetland.

Mr. Chris Greenlaw, Town Engineer, entered the following remarks into the record:

- A. When the property was originally developed in 2001, no wetlands were found on the site.
- B. The Town Map currently shows no wetland on the property or abutting property to the north.
- C. The applicant under this application will be seeking a request for a Map Amendment.

Mr. Gustafson listed his experience as a soil scientist (listen to audio tape for the details of his remarks) and entered the following remarks into the record:

- A. He visited the property in early May and found that storm water from the site discharged into a topographic depression (storm water basin area). He determined that this area and abutting property to the north met the requirements of the State of Connecticut for wetland soil types.
- B. These wetland boundary limits are shown on the map before you tonight.
- C. The Town Map shows no existing wetlands in the area under discussion tonight.
- D. A public hearing per your Regulations is required to amend the Town Map. We are making that request here tonight.

Commissioner Andreas asked how was the area under discussion determined to be a wetland? Mr. Gustafson responded the surface depression collects drainage and natural surface run off. The soil type in the depression and abutting area meet the wetland requirements of the State.

Chairman Block asked the following questions:

- A. How was the wetland developed over time? Mr. Gustafson provided a response (listen to audio tape for the details of his remarks).
- B. Are there any invasive plants on site? Mr. Gustafson responded yes, but they do not dominate the site.

- C. Does any animal life exist on the site? Mr. Gustafson responded there is some, but nothing note worthy.

Mr. Gustafson noted that per the Regulations, the abutting property owners would notified of the pending public hearing on the Map Amendment.

Motion made by Commissioner Clark that per Section 15.7 of the Town of Newington Inland Wetlands and Watercourses Regulations a public hearing be held on Application 2012-12A (Request for a Map Amendment) on July 17, 2012 at 7:00 p.m. in Conference Room L 101, Town Hall, Newington CT. Motion seconded by Alternate Paskewich. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

#### ITEM VC

Application 2012-13, 2909 Berlin Turnpike

Mr. Nate Kirschner, Project Engineer, Langan Engineering & Environmental Services and representing the applicant noted the presence of Mr. Dean L. Gustafson, Professional Soil Scientist, All-Points Technology Corporation, PC.

Mr. Gustafson, entered the following remarks into the record:

- A. Showed two (2) photographs of the area where the wetland was found.
- B. Showed two (2) photographs of the existing site development.
- C. The current Town Map shows no wetlands on the property.

Chairman Block entered the following remarks into the record:

- A. It appears from the discussion tonight that the wetland under discussion tonight is a child of the previous development.
- B. Prior to next month's meeting, he would like to see what can be done to improve the quality of the wetland (in the long term) and what could be done to address the Commission's initiative with existing invasive plants on the property. The applicant said a response would be provided at next month's meeting.
- C. He noted that the previous use (Krispy Kreme Doughnuts) generated a number of concerns dealing with odors. With the proposed use of a sea food restaurant, you should be prepared to address a similar concern. The applicant responded that this remark was more appropriate for the Town Plan & Zoning Commission and does not really know how to respond (under this application).

Commissioner Clark asked if nesting birds were part of the evaluation? Mr. Gustafson responded no. He said that something would be presented at next month's meeting.

Mr. Greenlaw noted that it would be appropriate that prior to any further questions, the engineer should be allowed to present the site plan.

Mr. Kirschner entered the following remarks into the record:

- A. The most recent use of the existing 5,200 square foot building was for a bank.
- B. The existing on site drainage system consists of catch basins with pipes that directs the flow of water into a water quality structure that out lets the water into an underground storm water detention system. The out flow from the system flows into the newly found wetland area and then into the ConnDOT drainage system in Main Street.
- C. Under the proposed plan, new flow would be directed into new catch basins and pipes that would out let into the existing water quality unit and under ground detention system. These units were designed and adequately sized to accommodate the future flow.
- D. He noted that the proposal is to construct a 4,832 square foot stand alone Bone Fish Grill Restaurant which is about 3,000 square feet smaller than the original approval.

Mr. Kirschner noted that a storm water analysis was done comparing existing conditions (original approval) with the proposal before the Commission tonight with the following findings:

- A. There would be an increase in impervious surface (building and pavement).
- B. There would be an increase in surface run off.
- C. All surface run off would now be directed into the water quality structure and under ground detention system (NOTE: Today a small portion of the surface flow by-passes the water quality structure).
- D. Even though there would be a slight increase in peak flow, the existing system is adequate to accommodate the new development.
- E. A complete storm water report is available for review.

Commissioner Andreas asked how would the wetland area be affected by the new development? Mr. Kirschner responded it would remain the same as exists today.

Mr. Greenlaw asked the engineer to provide Commissioner members with an overview of the surface flows being generated on site and the function of the storm water quality and under ground detention system? Mr. Kirschner, referring to the site plan responded to the question (listen to audio tape for the details of his remarks).

Chairman Block noted that he had a major concern to the area of the proposed trash enclosure. His concern was related to the external washing that could occur, generating soap and debris, within the 100 foot buffer.

Mr. Kirschner noted that the trash enclosure is a structure that would include some debris capture. In addition, all catch basins would now tie into the water quality structure and under ground detention system.

Mr. Greenlaw asked if there was any change of flow into the Town (State) system as a result of the proposed development? Mr. Kirschner responded there would be a slight reduction in flow.

Mr. Greenlaw asked what changes would occur within 100 foot buffer area? Mr. Kirschner responded outside of a portion of the new building and some new pavement, nothing. The existing northerly curb line would remain the same together with some additional landscaping.

Motion made by Commissioner Clark to table the item over to the July meeting and was seconded by Commissioner Andreas. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

#### ITEM VI A

Application 2012-07, 215 Lowery Place-Northwood Apartments

It was noted for the record the presence of Ms. Sonia Trojano, property manager for the Northwood Apartment complex.

Chairman Block asked if the application was complete? Mr. Greenlaw responded yes.

Motion made by Commissioner Clark that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2012-07 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Commissioner Andreas. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

Mr. Greenlaw handed out a list of suggested conditions (for all applications up for approval tonight) for review and comment by Commission members.

There was a general discussion and review of the conditions for this application among Commission members.

Motion made by Commissioner Clark to grant a permit by Summary Ruling for Application 2012-07 and subject to conditions noted in the record (audio tape) or "Official Notification of Action". Motion was seconded by Commissioner Shapiro. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

## ITEM VI B

Application 2012-08, 60 Ivy Lane

Chairman Block asked if the application was complete? Mr. Greenlaw responded yes.

Commissioner Andreas asked if the applicant had an updated plan that was requested by the Commission? Mr. Joseph Caracciolo, the applicant, submitted a plan to scale to the Commission.

Chairman Block asked if the plan now shows the proposed future deck and shed? Mr. Caracciolo responded yes.

Motion made by Commissioner Clark that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2012-08 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Commissioner Shapiro. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

Mr. Greenlaw noted the list of suggested conditions for this application had been handed out to Commission members earlier in the meeting.

There was a general discussion and review of the conditions among Commission members.

Motion made by Commissioner Clark to grant a permit by Summary Ruling for Application 2012-08 and subject to conditions noted in the record (audio tape) or "Official Notification of Action". Motion was seconded by Alternate Paskewich. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

Commission went into recess at 8:10 p.m.

Commission came out of recess at 8: 19 p.m.

## ITEM VI C

Application 2012-09, 14 Francis Avenue

Ms. Adrienne Brown, the applicant, read an updated narrative into the record (listen to audio tape for her presentation and discussion). The highlights are summarized below.

Chairman Block noted that the applicant met with DEEP and others over the past month.

Mr. Greenlaw noted that the western border of the acreage had a number broken tree branches and six (6) large invasive plants and was an area where people have been walking. Clearing the debris was the right thing to do.

Ms. Brown entered the following remarks into the record:

A. The Town Tree Warden advised her that he has no jurisdiction over private property.

- B. Tree branches would be mulched and placed along the westerly property line.
- C. The tree trunks (and major branches) would be cut into pieces and sold as fire wood.
- D. She talked to Ms. Donna Ellis (Uconn) on three (3) occasions including one personal visit. Ms. Ellis recommended the use of rye grasses, wild flowers and weeping willows in the clear area and that the area be maintained and monitored for two (2) years to see what may come back.
- E. Two (2) large piles of dead trees lay on the land following the issuance of the cease and desist order. She does not want to be held liable.
- F. Commission members were welcome to come and walk the property with her.

Mr. Greenlaw entered the following remarks into the record:

- A. He commended the applicant on her resourcefulness to date and her willingness to take suggestions.
- B. He noted that as the owner of record (of the land), you are responsible for the land.
- C. Anyone who works on the land would be required to secure a permit from the Commission, except when State work would be done, a State permit would be required.

Chairman Block made the following suggestions:

- A. Remove all downed trees from the property.
- B. Clear the open space area and replant with grasses.
- C. Measures should be implemented to control invasive plants.
- D. Left over tree materials on site should be made into mulch and placed on site.

Commissioner Clark asked what area would be covered with wood chips? Chairman Block recommended that work start at the high end and work toward the brook (westerly property line).

Commissioner Clark asked when would the wood chips be replaced? Ms. Brown responded this would be a one time effort at this time. The invasive plants would be removed and immediately covered with mulch.

Chairman Block asked if the application was complete? Mr. Greenlaw responded yes.

Motion made by Commissioner Clark that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application



2012-09 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Alternate Paskewich. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

Mr. Greenlaw noted the list of suggested conditions for this application had been handed out to Commission members earlier in the meeting.

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There was a general discussion and review of the conditions among Commission members.

Motion made by Commissioner Clark to grant a permit by Summary Ruling for Application 2012-09 and subject to conditions noted in the record (audio tape) or "Official Notification of Action". Motion was seconded by Commissioner Andreas. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

#### ITEM VI D

Application 2012-10, 55 Shepard Drive

Mr. Peter Saxon, representing the applicant, noted that he contacted the MDC and that the agency had no issue with his company's proposal. No letter was issued by the MDC.

Mr. Saxon noted that he was notified by West Hartford that it had no problem with the proposal.

Chairman Block asked if there was any other point of access into the property? Mr. Saxon responded no.

Mr. Greenlaw said that a note could be added to the plan stating the applicant would assume financial responsibility for maintenance work associated with the MDC sewer line.

Chairman Block suggested that a special condition be added to the approval.

Chairman Block asked if the application was complete? Mr. Greenlaw responded yes.

Motion made by Commissioner Clark that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2012-10 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Commissioner Andreas. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

Mr. Greenlaw noted the list of suggested conditions for this application had been handed out to Commission members earlier in the meeting.

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There was a general discussion and review of the conditions among Commission members.

Motion made by Commissioner Clark to grant a permit by Summary Ruling for Application 2012-10 and subject to conditions noted in the record (audio tape) or "Official Notification of

Action”. Motion was seconded by Commissioner Shapiro. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

#### ITEM VI E

##### Chairman Block-New Initiative (Invasive Plants)

Chairman Block noted that several residents have come forward stating that the Town is doing nothing to maintain its properties.

Commissioner Clark noted that home owners are violating regulated areas without securing a permit.

Chairman Block noted that civilian groups have formed for example “The Charles River Keepers Association”. He suggested that the Commission give consideration to the formation of a “xxxxx Brook Keepers Association”. He asked Commission members give the suggestion their consideration prior to the July meeting.

#### ITEM VII

##### PUBLIC PARTICIPATION ON NON-AGENDA ITEM

Ms. Rose Lyons, 46 Elton Drive noted that something has to be done about the maintenance of Mill Brook in the area of Elton Drive (north), new senior housing complex (and Wells Drive North) (south). The eagle scouts and area residents have done their part. However, the Town has done nothing. There should be a process in place, where a person could file a complaint against the Town and/or State for a lack of activity for areas for which they are responsible.

#### ITEM VIII

##### COMMUNICATIONS AND REPORTS

- A. Commissioner Clark noted that on last Friday Governor Malloy signed into effect Public Act 152 open space legislation whose goal is to secure 21 percent of state land as open space. The Act would be updated in five (5) years. Mr. Greenlaw noted that the Town Plan & Zoning Commission has been designated as the Open Space Commission for the Town.
- B. Alternate Paskewich entered into the record a citation form that is being used by the Town of Chester for a contractor doing work without a permit.
- C. There was a general discussion among Commission members on items emanating from the Special Meeting of June 5, 2012 (listen to audio tape for the details of the remarks). The Commission members decided to place the item on the July agenda for further discussion.
- D. Mr. Greenlaw noted that in response to a question raised by the Town, the MDC responded that natural gas is available in Carr Avenue to supply power to the pump

station in an emergency. However, the MDC has made a policy decision to standardize the use of the same fuel for all sites.

- E. Mr. Greenlaw noted that he was in receipt of a letter from the Town of Wethersfield for a wetland activity within 500 feet of the Town of Newington/Wethersfield Town Line. The determination has been made that the proposed activity (construction of two (2) residential homes would have no negative impact.

Motion made by Commissioner Clark to adjourn meeting at 9:45 p.m. and was seconded by Commissioner Andreas. There was no discussion. Vote was 5 yes, 0 no and motion was carried.

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Peter M. Arburr, Recording Secretary

Commission Members

Tayna Lane, Town Clerk

Town Manager, John Salamone

Town Planner

Councilor Myra Cohen

Councilor David Nagel

Chairperson, Town Plan and Zoning Commission.

Peter Borman, Esquire, Town Attorney

Chris Greenlaw, Town Engineer

Lucy Robbins Wells Library (2)